



ANDREA S. BROOKS  
Direct Phone: 302.225.0861  
Email: abrooks@wilks.law

May 2, 2022

**VIA E-FILING**

J. Caleb Boggs Federal Building  
844 N. King Street  
Unit 19  
Room 4324  
Wilmington, DE 19801-3555

**Re: BOCKER ET AL., v. HARTZELL et al., C.A. No. 21-cv-1174**

To the Honorable Judge Christopher J. Burke:

As you know, this firm along with Skinner Law Group represent Continental Aerospace Technologies, Inc. in the above-captioned matter which Plaintiffs commenced in August 2021. On 12/28/2021, Continental filed its Motion to Dismiss on multiple grounds (Doc. 13), Plaintiffs opposed the same (Doc. 17) and Continental filed its reply thereafter (Doc. 18). Continental's Motion remains pending. That Motion and corresponding argument are the subjects of this correspondence.

By way of background, in September 2021, Plaintiffs also filed suit against Continental, alleging the same types of claims in connection with the same aircraft accident, in Dutchess County, NY. Continental filed a Motion to Dismiss for Lack of Personal Jurisdiction. As the Court is aware (via Doc. 39), Continental's Motion to Dismiss was recently denied, and it is expected that Plaintiffs' claims will proceed in Dutchess County for the foreseeable future. As Plaintiffs cannot proceed to litigate the same claims in two different jurisdictions against Continental, we asked Plaintiffs to dismiss the instant Delaware federal action against Continental last week. Plaintiffs declined. It appears, therefore, that Continental's Motion (Doc. 13) will require disposition, and to that end, we are in receipt of the Court's oral order entered April 20, 2022 setting argument on Continental's Motion to Dismiss for May 16, 2022 at 1:00pm via teleconference.

Unfortunately, both Ms. Salita (Continental's lead counsel) and I are unavailable on that date due to out-of-state meetings (and associated travel) and chancery court appearance, respectively. We have conferred with Plaintiffs' counsel who does not oppose our request for a continuance. Accordingly, and unless this Court elects to resolve Continental's Motion on the papers, we respectfully request that the Court reschedule the hearing. If the Court is so inclined, Continental should be generally available between June 1 – 22, 2022. Plaintiffs have offered that they may have some availability on June 2, 2022 and during the second week of June.

Additionally, and for the sake of full disclosure, when Continental asked Plaintiffs to dismiss their Delaware case against it last week, Plaintiffs countered with a request that we agree to stay this litigation. Continental respectfully suggests, however, that dismissal of this case against Continental is a more appropriate remedy especially in light of 10 Del. C. 8118. *See also, Reid v. Spazio*, 970 A.2d 176 (Del. 2009); *Cohen v. Cont'l Motors, Inc.*, No. 1:20-cv-00487-SB, 2021 U.S. Dist. LEXIS 30726 (Dist. Del. Feb. 18, 2021). I do not believe that we identified this statute in our prior briefing and, therefore, wish to provide the Court therewith now.

Should the Court have any questions, please do not hesitate to contact me.

Very truly yours,

*/s/ Andrea S. Brooks*

Andrea S. Brooks  
(DE Bar #5064)

ASB/nea

